

UNIFORM RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

Chapter VI. Family Law Rules

Rule 6.1 Propria Persona Filings - Pleading Prepared by Third Parties (Effective 7/1/03)

Parties who retain the services of third parties (e.g.: Typing services or paralegals) to prepare their pleadings must submit a declaration to the court with the following information: (Effective 7/1/03)

- (a) Name, including Doing Business As (DBA) and Legal Document Assistant (LDA) number, address and telephone number of person preparing the pleadings; and (Effective 7/1/03)
- (b) Amount of compensation paid to third party for the preparation of the pleadings. (Effective 7/1/03)

Rule 6.2 Result of Failure to Comply with Rules (Effective 7/1/03)

Failure of a party or parties to comply with these rules may result in one or more of the following on the request by the other party or on the court's own motion: (Effective 7/1/03)

- (a) Removal of the matter from the calendar; (Effective 7/1/03)
- (b) A continuance; (Effective 7/1/03)
- (c) An award of attorney's fees and costs against the noncomplying party, the party's attorney, or both, without the necessity of filing an Income and Expense Declaration, or any noticed motion; (Effective 7/1/03)
- (d) An order based solely upon the pleadings properly before the court; (Effective 7/1/03)
- (e) Such other orders as the court deems appropriate. (Effective 7/1/03)

Rule 6.3 Continuances (Effective 7/1/03)

Rule 6.3.1 Orders to Show Cause and Motions (Effective 7/1/03)

- (a) Notice of a request for continuance must be given to the other party at the earliest opportunity. If a written notice is not presented to the adverse party at least three (3) court days prior to the date set for the hearing and a continuance is granted, an award of attorney fees may be ordered to the nonmoving party. (Effective 7/1/03)

UNIFORM RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

- (b) Continuance of Orders to Show Cause and motions by stipulation may be presented in written form to the Clerk's Office prior to the hearing date or may be requested orally of the court at the time set for the proceeding, provided counsel for all parties are present. (Effective 7/1/03)

Rule 6.3.2 Trial (Effective 7/1/03)

Any request for a continuance of a trial date shall be submitted in written form signed by the attorney, the party, or both. In the event of a stipulation to continue the trial date, both counsel must sign the stipulation. The proposed stipulation must be accompanied with a detailed explanation of the reason for the continuance. The stipulation must be submitted to the Family Law Department not less than five (5) days before the trial date. The new date must be approved by the Court before the Stipulation is submitted. (Effective 7/1/03)

Rule 6.3.3 Calendar Conflicts (Effective 7/1/03; rev. 1/1/06)

In the event of a calendar conflict preventing or delaying a hearing, the attorney with the conflict shall notify the Court and, to the extent possible, the opposing counsel or unrepresented party, at the earliest opportunity. If notice is not given, the Court may award attorney's fees. (Effective 7/1/03; rev. 1/1/06)

Rule 6.3.4 Calendar Call (Effective 7/1/03)

If there is no appearance at the first calendar call, and no communication from counsel, or either party, the matter may be removed from the calendar or may be heard as an uncontested matter. When the case is called, counsel or a party appearing in propria persona must state his or her name, identify the party being represented and indicate the estimated time for hearing. The Court must be advised then whether there is a request for a continuance at the time the case is called. (Effective 7/1/03)

Rule 6.4 Ex Parte Matters (Effective 7/1/03)

Ex Parte matters are noticed in the Family Law Division. (Effective 7/1/03)

- (a) Ex Parte hearings must be set in matters requesting residence exclusion, change of custody, or a substantial change in current visitation orders. (Effective 7/1/03)
- (b) Notice shall be given to all counsel and all opposing parties, if not

UNIFORM RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

represented by counsel, by 10:00 a.m. the court day before the scheduled hearing. All paperwork for the Ex Parte hearing shall be returned to the clerk by 12:00 noon the court day before the scheduled hearing.
(Effective 7/1/03)

Rule 6.5 Return of Service (Effective 7/1/03)

- (a) Orders to Show Cause and notices of motion shall be calendared when filed. Proof of service must be filed before the matter is called. If there is no proof of service filed, yet both parties appear and agree to proceed, the court, in its discretion, may hear the matter. (Effective 7/1/03)
- (b) If a party receives Temporary Assistance for Needy Families (CalWORKs/ TANF) or other public benefits and an Order to Show Cause or notice of motion is filed requesting child support, the party filing the OSC must serve a copy of their moving papers on the Department of Child Support Services (local child support enforcement agency). (Effective 7/1/03)

Rule 6.6 Interview of Children in Chambers (Effective 7/1/03)

A request by a party for the court to interview a minor in the judge's chambers must be made by stipulation of both parties. The parties must also stipulate that there is to be no reporter present. (Effective 7/1/03)

Rule 6.7 Income and Expense Declarations and Exhibits (Effective 7/1/03)

- (a) In all Orders to Show Cause and Notices of Motion matters with issues of child support, spousal support, attorney fees and costs, or the assessment of sanctions other than contempt, the parties to the proceeding must file an Income and Expense Declaration with the court. (Effective 7/1/03)
- (b) If available with reasonable diligence, the Income and Expense Declaration must have attached W-2 forms for the prior year, and the preceding 3-month's payroll stubs, or a statement explaining the reason for the failure to provide these documents. If a payroll stub does not include a year-to-date total for earnings, the parties must also attach a statement by the party's employer verifying year-to-date earnings.
(Effective 7/1/03)

Rule 6.8 Stipulations (Effective 7/1/03)

Written stipulations resolving all or part of issues to be litigated are encouraged

UNIFORM RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

and have priority. While a matter is trailing, the court should be kept informed of the status of settlement negotiations. (Effective 7/1/03)

Rule 6.9 Settlement Conferences (Effective 7/1/03)

Rule 6.9.1 Meet and Confer Requirement (Effective 7/1/03)

Before the filing of a Settlement Conference Statement, the parties must conduct an informational "meet and confer conference" ten (10) days prior to the settlement conference or must file a declaration setting out reasons why a meet and confer did not take place. All issues must be identified in detail, presented in written form (described as an "Issues Statement") and exchanged at the conference. At the conclusion of the conference, a "Conference Statement" addressing all issues must be prepared in letter or memorandum form which must address all issues. All parties and/or their attorneys must submit the conference statement. (Effective 7/1/03)

The Conference Statement must include: (Effective 7/1/03)

- (a) Title and case number; (Effective 7/1/03)
- (b) Date and place of conference and identification of all parties and attorneys present; and (Effective 7/1/03)
- (c) A list of resolved and unresolved issues. (Effective 7/1/03)

Rule 6.9.2 Mandatory Settlement Conference Requirements (Effective 7/1/03)

- (a) The Settlement Conference Statement must be filed five (5) calendar days before the settlement conference date. (Effective 7/1/03)
- (b) Current Income and Expense Declarations must be filed with the Settlement Conference Statement in all cases involving monetary issues. An updated Income and Expense Declaration will not be required if it is clearly stated there is no change from the last filed Income and Expense Declaration. (Effective 7/1/03)
- (c) A request to continue settlement conferences is within the discretion of the court and requires a showing of good cause. (Effective 7/1/03)

Rule 6.10 Trial Setting (Effective 7/1/03)

- (a) A case will be set for trial only after the filing of an At-Issue Memorandum and a settlement conference is held. (Effective 7/1/03)

UNIFORM RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

- (b) A case will only be set for trial when, in the discretion of the Judicial Officer conducting the settlement conference, the attempt to resolve the issues presented has reached an impasse and the matter is ready to proceed to trial. (Effective 7/1/03)

Rule 6.11 Appointment of Expert Witnesses (Effective 7/1/03)

Requests for costs for appraisers, accountants and experts will not be considered in the absence of a specific showing by declaration of the need for expert assistance, and the projected cost of the examination requested. Projected costs must be established by the declaration of the expert, which must include a general breakdown of anticipated costs. (Effective 7/1/03)

Rule 6.12 Child Custody and Visitation (Effective 7/1/03)

- (a) In all original and subsequent proceedings where child custody, visitation, or both, are issues, the parties must attach a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) form. (Effective 7/1/03)
- (b) Before a hearing involving a disputed issue of custody, visitation, or both, the parties must meet with a mediator at Family Court Services. (Effective 7/1/03)
- (c) The mediation session is private and confidential. Only the parent or the parties involved in the action may be present in the mediation session. Children over eight (8) years of age must attend the mediation session and be interviewed by the mediator. (Effective 7/1/03)
- (d) In the event mediation does not result in an agreement, the mediator shall make no recommendation to the court. The mediator may not be called as a witness. (Effective 7/1/03)
- (e) The mediator may recommend to the court that counsel be appointed to represent a minor and may inform the court why the appointment of counsel is recommended. Where the parties have not reached an agreement upon completing mediation, the mediator may recommend that a full Family Court Services Unit investigation be conducted. (Effective 7/1/03)

Rule 6.13 Civil Investigations (Effective 7/1/03)

- (a) When directed by the court, a Family Court Services investigator must

UNIFORM RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

conduct a standard custody investigation or a focused custody investigation and file a written confidential report and recommendation. (Effective 7/1/03)

- (b) Questionnaires must be submitted to the investigator within ten (10) days of the court's order referring the matter for evaluation. (Effective 7/1/03)

Rule 6.14 Family Law Facilitator (Effective 7/1/03)

The services of the Office of the Family Law Facilitator are available to all unrepresented parents and parties at times and dates as set by the Family Law Facilitator. Neither the Family Law Facilitator nor their staff may be called as witnesses. (Effective 7/1/03)